

MEETING RECORD

NAME OF GROUP: City Board of Zoning Appeals

DATE, TIME AND

PLACE OF MEETING: Friday, September 27, 2002, 1:30 p.m., Hearing Chambers,
County-City Building, 555 South 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS

IN ATTENDANCE:

Members:	Linda Wibbels, George Hancock, Gene Carroll and Tom Wanser
Others:	Rodger Harris (Building & Safety), Tonya Skinner (City Law Dept.), Becky Horner and Missy Minner (Planning Dept.), and Joe Renteria, Jr.

STATED PURPOSE

OF THE MEETING: Regular Meeting of the City Board of Zoning Appeals

Approval of the minutes of the June 14, 2002 meeting - Wanser moved approval, seconded by Carroll. Motion for approval carried 4-0; Wanser, Carroll, Wibbels, and Hancock voting 'yes'; Krieser absent.

Approval of the minutes of the June 28, 2002 meeting - Carroll moved approval, seconded by Wibbels. Motion for approval carried 4-0; Carroll, Wibbels, Wanser and Hancock voting 'yes'; Krieser absent.

Approval of the minutes of the August 23, 2002 meeting - Wanser moved approval, seconded by Carroll. Motion for approval carried 4-0; Wanser, Carroll, Wibbels, and Hancock voting 'yes'; Krieser absent.

Appeal No. 2344 by Joe Renteria, Jr. for a variance to the required separation from an accessory building to the main building on property generally located at 3611 Holdrege Street.

PUBLIC HEARING

September 27, 2002

Joe Renteria Jr appeared. His proposal is to tear down the existing garage and rebuild it. The garage needs to be rebuilt for safety reasons. The interior of the garage is rotting. The exterior is also in bad shape.

He noted that the diagram of existing garage shows approximately 9" between the garage and the fence. The fence shown on the diagram is over the property line by 2 or more inches. The neighbor's garage also encroaches onto his property by about 2".

The least restrictive option that would allow him to be 75% within the rules is to move the garage, with no overhang, to within 2' of the property line. The main variance is not meeting the required 6' distance between the main structure and the garage.

He was confident that the neighbors would welcome the change.

If the variance is not granted, he won't do anything with the garage. He noted that the staff report stated that the applicant could continue to use existing garage. The garage cannot be used as it is because of

safety reasons.

This property is in an historic preservation area.

He pointed out that most of the lots in this area are 140' deep, his is 106'. His property is also unique in terms of where the garage is located.

Wanser asked about reducing the width of the garage to 11'. Renteria noted that the standard garage door is 8' and you need a minimum of 2' on each side to get out of the vehicle.

Wanser asked if the garage can be replaced as it sits today. Harris stated that it could not be replaced as a detached garage.

Wanser asked if the 6' requirement is measured from the basement access or from the wall of the house. Harris noted that it would be measured from the basement access only if the stairwell was above ground level. If the stairwell is at or below ground level, it would not be included as part of the main structure.

Renteria added that he is willing to do just about anything to make this work. He pointed out that this property was converted into a 3-plex rental. He lives in one of the units and needs the garage to do maintenance work.

Hancock suggested moving the west wall of garage further west. Renteria indicated that there was a sewer main problem on the property behind him that was recently fixed. They had to come on his property to do the repair because there is no easement. The manhole is 2' off the fence line. The sewer main is more than 8' deep. The original sewer main is 16' deep. The neighbor to the east is built over that sewer main.

Hancock asked how much rehabilitation can be done on a substandard structure before it becomes too much to be considered grand-fathered. Harris stated that in terms of repair, what is there must be replaced. Renteria noted that he could rebuild the garage wall by wall, however that is ridiculous. He wants to build a safe, clean structure. This is a useless garage, but he can't tear it down it can't be rebuilt without a variance.

Hancock asked if the non-standard garages noted in staff finding 4 are non-standard because of improper distance to the property lines. Horner noted that several properties in the area have shared garages and are too close to the property line. Some of them appear to be too close to the house, but she is not permitted to go out and measure them.

With no one further appearing, the public hearing was closed.

ACTION

September 27, 2002

Wibbels moved approval, seconded by Wanser.

Wibbels stated that this is a fire and safety hazard. She noted that the properties in the area that are similar are non-conforming relative to a shared garage. She was not aware of any other properties in the area that have the garage so close to the house. This meets the requirement for hardship because of the

alignment of the sewer line and it is a short lot. Changing the width of the garage to 11' is not acceptable because 1.5' on either side of the door is not practical. The garage can't be moved because of the sewer.

Hancock stated that it is not easy to find the peculiar and unusual circumstance in this application. Safety is not under the Board's jurisdiction. He noted that he would vote to approve the appeal because the other properties in the area similar to this one are not substandard because of the proximity of the garage to the house.

Motion for approval carried 4-0; Wibbels, Wanser, Carroll, and Hancock voting 'yes'; Krieser absent.

Appeal No. 2337 by Mark Hunzeker for a variance of sign height and area on property generally located at 5400 O Street.

ACTION

September 27, 2002

Wanser moved denial, seconded by Wibbels.

Wibbels moved to deny because the sign code states that even though the structure was grand-fathered because it was built prior to 1993, the building has been vacant for more than 30 days, and therefore must be made to comply with the ordinance. Secondly, the applicant requested that the driveway be moved which is what took this out of compliance, not the O Street construction.

Wanser indicated that he still believes that there is a safety issue. However upon further review of the application, he was of the opinion that the applicant is not moving the sign for safety purposes or for maintaining the integrity of the sign for the building. If they were doing so, they would move the sign to the east, not the west. That is his reason for changing his position on the application.

Carroll stated that he is in favor of denial because this does not meet the standards required by the Board to approve it.

Hancock agreed with the statements made by the other members and added that if the sign was moved to the west, it would sit in front of the motel, not the building it is supposed to provide advertising for.

Motion to deny carried 4-0; Wanser, Wibbels, Carroll and Hancock voting 'yes'; Krieser absent.

There being no further business, the meeting adjourned at 2:19 p.m.